

**MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL ROOM**

December 3, 2004

9:00 A.M.

PRESENT: *Appointed Members:*

Donald Mooney, Caleb Faux, Valerie Lemmie, Jacquelyn McCray and Terry Hankner

Community Development and Planning Staff:

Margaret Wuerstle, Steve Briggs, Caroline Kellam, Felix Bere, Rodney Ringer and
Virginia Vornhagen

Law Department:

Dotty Carman

CALL TO ORDER

Mr. Mooney called the meeting to order.

MINUTES

The minutes of the November 19, 2004 meeting were presented.

Motion: Ms. Hankner moved approval of the minutes as presented.

Second: Ms. Lemmie

Vote: All ayes (5-0), motion carries.

CONSENT ITEMS

ITEM #1A – A zone change request by Mr. Michael Gerson on his property at 4840 Winton Road. The property had previously been designated as multi-family and was changed to single family during the zoning code re-write project. Mr. Gerson requested to have the zoning revert back to multi-family.

ITEM #2 – A report and recommendation on a replacement, Plat of Dedication for the Grand Avenue Commons Subdivision in East Price Hill.

Abercrombie and Associates, Inc., civil engineers, on behalf of Roark Development LLC and J. D. Bullfrog LLC, the owner and developer, submitted a replacement, Plat of Dedication, for the Grand Avenue Commons Subdivision.

ITEM #3 – A report and recommendation on a Plat of Subdivision, Record Plat, for the Elizabeth T. Bley Subdivision, Phase 2, located east of Hackberry Avenue and north of E. McMillan Street in the neighborhood of East Walnut Hills.

FOPPE Technical Group, Inc., civil engineers, on behalf of Elizabeth Place, LLC, the owner and developer has submitted a Plat of Subdivision, Record Plat, for the Elizabeth T. Bley Subdivision, Phase 2. The Plat has been reviewed and approved by all reviewing agencies.

ITEM #4 – A report and recommendation on an ordinance to accept and confirm the dedication of Spencer Hill Lane and Big Ben Lane and renaming of Parallel Street and Mica Street, in accordance with the plat entitled “Record Plat Spencer hill Subdivision, Section 1 Spencer Hill Ln. and Big Ben Ln.”.

ITEM #5– An ordinance authorizing the sale of a portion of Monastery Street, adjacent to 1037 Monastery Street, which street and real property is no longer needed for any municipal purpose.

Motion: Ms. Lemmie moved approval of Consent items 1A thru 5
Second: Ms. McCray
Vote: All ayes (5-0), motion carries.

DISCUSSION ITEMS

ITEM #1 –A zone change request by Mr. Jim Martin, located at 3475 West 8th Street in East Price Hill. This item was moved from the Consent items to the Discussion items.

Rodney Ringer, Staff Planner, presented this item. He explained that Mr. Martin operates this building as a non-conforming use. The property was an old R3T zone (now SF-2) with single-family uses surrounding it. The owner wants to continue the non-forming use, but he has a potential buyer who wants to expand it to plumbing and/or a junkyard. It was a general store prior to 1998. Staff is against the change to CC-A.

Mr. Richard Scott of 762 Wells Street spoke against the zone change. He had lived on this street for 50 years and was used to the corner location being a grocery store and then it became an electrical business. The garages on Wells Street behind the corner store had been rented to residents on the street for parking their vehicles. After Mr. Martin took over the use of the garages, he used them for storage for the electrical business and personal needs. Mr. Scott told the Commissioners that the present owner was going to rent the garages to a lawn care company, and/or sell the property to someone who would be doing repair on sinks and stoves for re-sale. This kind of use is nowhere near the electrical storage or neighborhood rental use of the past. Using the garages and the store in this manner the buildings would become a blight on the neighborhood.

Mr. James Martin owns the property on West 8th Street in Price Hill, but lives at 755 Neeb Road. Mr. Martin explained that he has been using the garages for old car restoration. The City owns the lot next door. He has found a potential buyer who deals in restaurant equipment. Mr. Martin said the potential buyer plans on using the storage space to clean up and re-sell the restaurant equipment. Mr. Martin feels there would be no potential for the neighborhood to see junk.

Mr. Mooney asked Mr. Ringer for an explanation of non-conforming uses. In a recent neighborhood meeting the potential buyer did say he would use the garages as storage for Junk. Mr. Ringer further explained that after talking to the neighborhood he felt their plan was to improve the street as much as they could and if a zone change were possible they would like to have it designated for single-family uses not commercial uses.

Motion: Ms. Hankner moved approval of the staff recommendation for denial of the zone change request.
Second: Ms. McCray
Vote: All ayes (5-0), motion carries.

Mr. Mooney explained to Mr. Martin that he could still present his case to the City Council regarding this denial of his request for zone change.

ITEM #6 -- A report on actions to take with regard to a zone change request by Eastside Roofing-Siding-Windows Company, located at 3145 Linwood Avenue in Mt. Lookout.

Mr. Rodney Ringer, Senior City Planner presented this item. Mr. Ringer explained that the requested zone change was from SF-6 to CM-P. The property, Mr. Ringer noted, is on the edge of the Mt. Lookout business district. The owner understands that the use of this property in the current manner is a non-conforming use. The owner has informed the staff that the building is used only for business clerical, mailing and telephone work. The equipment for the roofing, etc. is kept off site at a location on Paxton Road.

Mr. Ringer told the commissioners that staff recommends denial of the zone change request. The neighbors are very much against the change from single family.

Ms. Marcia Kaetzel of 3141 Linwood Avenue spoke against the zoning change. She stated she was very much bothered by the fact that the business was not listed in the phone book yellow pages and when she passes the front of the building she has never seen a business sign.

Mr. Steve Rohde, the President of the Mt. Lookout Business Association and Board Member of the Community Council stated both associations were against a change to the proposed zoning. They do not want the business district extended.

Mr. John Cody is the Trustee of Cody Trust and one of the owners of the property. He told the Commissioners that he bought the property for the express purposes of business clerical operations. The owner responded to Ms. Kaetzel's remark regarding no listing in the yellow pages by stating that advertising had become so expensive in the yellow pages. Mr. Cody also said that if he was correct, Ms. Kaetzel owned property about four-doors down the street from his business. Her property was extremely unsightly and not at all in harmony with other property on the street.

At this point, Mr. Cody presented a number of photographs of his property and surrounding property to the Commissioners. Mr. Cody told the Planning Commission that his property is next door to a Jiffy Lube. A bank is located just down the street along with a bar and shoe shop. All of these uses have a CN-P zone designation. It seemed to Mr. Cody there would be no problem in adding his property to that type of zoning.

Ms. Hankner asked for clarification on the fact that the owner is now using the property for business clerical and if the owner sold it to a law office or real estate office, would that type of business be considered similar and be allowed to be substituted in place of the current business.

Mr. Faux said that he understood Mr. Cody's point about zone designation appearing arbitrary. Mr. Faux felt there should be a review of the zoning study on this area of Mt. Lookout. Mr. Mooney requested that a history and zoning map be provided at the December 17, 2004 meeting of the Planning Commission.

Ms. Dotty Carman of the Law Department explained that a letter regarding the substitution rights of the same use could be issued by Reginald Lyons of Buildings and Inspections to the current owner and included with the documents of sale that would then be used to assist in selling the property to a business operating in the same manner as the current use.

Ms. Hankner agreed with Ms. Carman's suggestion and felt the owner could therefore sell the property without a loss in value.

Motion: Ms. Lemmie moved denial of the zone change request.
Second: Ms. Hankner

Vote: All ayes (5-0), motion carries.

Ms. Lemmie asked that the Law Department contact Mr. Lyons regarding the “grandfather” letter to be used with the sale documents.

As on a previous item, Mr. Mooney explained to Mr. Cody that he could present his case to the City council regarding this denial of his request for zone change.

ITEM #7 – A request to schedule a public hearing on December 17, 2004 on a permit application for 3524 Edwards Road within IDC #62 and Urban Design District #4 in the community of Hyde Park.

Ms. Caroline Kellam, Senior City Planner requested that a public hearing be scheduled on December 17, 2004 for this item.

Motion: Ms. Hankner moved approval of the public hearing for December 17, 2004.
Second: Ms. Lemmie
Vote: All ayes (5-0), motion carries.

ITEM #8 – A report and recommendation on a proposed zone change at 3301 Colerain Avenue from the existing Manufacturing General (MG) District to a Planned Development (PD) District in the neighborhood of Camp Washington.

Mr. Steve Briggs, Senior city Planner presented this item. The zone designation would affect what had been a two-acre industrial building for a cabinetmaker and before that a parachute maker. The developer, Middle Earth Developers, is now working on a project on 4th Street in the City. Staff recommends the proposed zone change and the community is in favor of the change. There was no opposition to the proposed zone change request.

ITEM #9 – A report and recommendation on a zone change request for property at 4112 Clifton Avenue in the community of Clifton. This is a holdover from the November 5, 2004 Planning Commission meeting. The Planning Commission wanted to give the community and the property owner, Mr. Winkler, time to discuss this further and perhaps reach a compromise agreement.

Mr. Felix Bere presented this item. He reminded the Commissioners that this had already been presented at a previous Planning Commission meeting and the Commissioners recommended that the community and the property owner work out a compromise on the issue. Mr. Bere attended that meeting and explained that Mr. Winkler had informed him that he had already made concessions to the community. Therefore, there was no reason for him to attend the meeting recommended by the CPC.

Mr. Ramundo spoke up from the audience to remind the Commissioners that the Planned Development across the street from the Winkler property expires in February 2005. Mr. Ramundo was corrected by Steve Briggs in that the PD permit is valid for two years, and therefore, expires in February of 2006.

Mr. Mooney asked about the zoning options for the area. Mr. Bere responded that an SF-10, SF- or a PD could be approved by the Planning Commission. However, a PD would have to be presented to the Planning Commission for approval before construction could begin. As a reminder, Mr. Bere told the Commissioners that Mr. Winkler had accepted the SF-6 for a cluster of four homes, but the community would not agree to that option. An SF-10 would allow for two separate homes on 10,000 sq. ft. lots each.

Mr. Winkler, the owner of 4112 Clifton Avenue, then presented his case. He reminded the Planning Commission that this was the third time he had presented his case. He had made a number of concessions in that he agreed to go to a SF-6 from R-4, but the community would not accept that offer. He also offered to sell the property to the surrounding neighbors, but no one would buy the property. If he makes any more concessions it would devalue

his property to the extent that it would be worthless. With a cluster of four single-family homes the traffic would not increase markedly and there would only be on curb cut required.

Mr. Jack Brand of 3750 Middleton then spoke against the zone change on behalf of the Clifton Town Meeting. Before he spoke, he handed the Planning Commission a letter from Mr. Patrick Borders indicating his opposition to the zone change request. Then Mr. Brand spoke about the community's discussion with Mr. Winkler. There was no agreeable solution between the parties. The community wants a buffer for the interstate, the two landfills and green space and would accept only a SF-20 zoning designation.

Mr. Whitman of 4061 Clifton Ridge Drive then spoke against the zone change. He used a map to explain to the Commissioners that heavy construction work on the lower level would have an adverse effect on his, and other neighbors' property. This was a proven case if you reviewed the letter from the Hillside Trust previously submitted.

Ms. Ginny Whitman of 4061 Clifton Ridge told the Planning Commission that the more extensive the construction, the more likely that there would be an impact on the environment. She did not recall the discussion of an SF-6 zone. Therefore, there must be an error in the Staff Report. Regardless, the community is not for the zone change request.

Mr. Jack Brand (Clifton Town Meeting) reiterated that the area should be kept at SF-20 to keep in line with the surrounding property.

Mr. Michael Ramundo of 128 Lafayette Lane then spoke against the zone designation change. He brought up the fact that the properties across the street, still not yet developed, which would revert back to SF-20. Senior City Planner, Steve Briggs explained that there are 22 units proposed and the developers have two years from March of 2004 to finish the development. There had been no revised application received by the private developer. Mr. Briggs said that this 22-unit area had been zoned as R-4 in the old zoning code. During the zone-re-write process it was designated as an SF-20 zone.

Ms. Anna VanMatre of 4051 Clifton Ridge then spoke against the zone change. She has sent a number of letters to Mr. Bere letting him know that she was against the zone change. After speaking to some of her neighbors, Mr. VanMatre said they had also sent in letters of opposition. So to her it appears only the owner wants the proposed change. Ms. VanMatre suggested that considering the age of this residential area a green space with a monument would be a good idea.

Ms. Hankner then asked Mr. Winkler, the owner/builder, what the selling price would be for each property if he were to build four single-family homes in a cluster. Mr. Winkler said that for a 1,500 sq. ft. home the projected price would be \$100,000.

Mr. Faux noted the lack of willingness on the part of the community to make concessions. Mr. Mooney then suggested the zoning be changed to Planned Development (PD). Mr. Briggs, Senior City Planner said that Mr. Winkler would have to draw up plans and then present them to the Planning Commission before he begins construction. Mr. Winkler did not want to do that. Ms. Carman of the Law Department said that the Planning Commission could just move to rezone the property to a PD.

Motion:	Mr. Faux moved denial of zone change as request, and moved to designate the property as a PD.
Second:	Ms. Lemmie
Vote:	All ayes (5-0), motion carries.

ITEM #10 – A report and recommendation on an application to demolish the property at 716 Greenwood Avenue within Interim Development Control (IDC) District #58 in the community of North Avondale.

Ms. Caroline Kellam, Staff Planner, presented this item on the demolition of 716 Greenwood Avenue in the IDC #58. The current property owner bought the property in its present bad condition and is now ready to demolish it in order to build a single family or duplex.

Motion: Ms. Hankner moved approval
Second: Ms. McCray
Vote: All ayes (5-0), motion carries.

WALK-IN ITEM –

A report and recommendation on a resolution to appropriate three parcels of land located in College Hill for the establishment of an off-street parking facility that will be open to the public.

Ms. Wuerstle, Chief Planner, explained that this item was not on the agenda but that Mr. Tom Jackson of Community Development and Planning had requested that this item be presented to the Commission. It is the decision of the Commission if they wish to hear this item at this time. This was identified as City Council item #200409200.

Motion: Ms. Lemmie moved approval
Second: Ms. McCray
Vote: All ayes (5-0), motion carries.

ITEM #11 – Planning Commission 2005 Meeting Dates.

Motion: Mr. Faux moved approval
Second: Ms. McCray
Vote: All ayes (5-0), motion carries.

Mr. Mooney noted that any new dates or cancellation dates would be on an as-needed basis.

ITEM #12– Correspondence regarding reappointments of Donald Mooney and Jacqueline McCray to the Planning Commission.

Ms. Hankner congratulated both Mr. Mooney and Ms. McCray on their re-appointment.

ADJOURN

With no further business to consider, the meeting was adjourned.

Motion: Ms. McCray moved approval
Second: Ms. Hankner
Vote: All ayes (5-0), motion carries.

Margaret A. Wuerstle, AICP
Chief Planner
Dept. of Community Development & Planning

Donald Mooney, Chair
City Planning Commission

Date: _____

Date: _____